

**REMARKS**

Please reconsider the application in view of the above amendments and the following remarks. Applicant thanks the Examiner for carefully considering this application.

**I. Disposition of Claims**

Claims 1-25 were pending in this application. Claims 1, 3, and 21-25 have been cancelled by this reply. Claims 30-33 have been added by this reply to more clearly recite the present invention. These claims are not believed to require new consideration and/or search. Claims 30 and 31 are independent. Claims 2 and 4-20 are dependent claims and have been amended by this reply to correct minor informalities and modify dependencies. No new matter has been added by way of these amendments.

**II. Rejections under 35 U.S.C § 102**

Claims 1 and 21 were rejected under 35 U.S.C. § 102(b) as being anticipated by French Patent No. 2,732,537 ("Jacques"). Claims 1 and 21 have been cancelled in this reply. Thus, this rejection is now moot. Accordingly, withdrawal of this rejection is respectfully requested.

Claims 1-10, 12, 14-18, and 21-25 were rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,178,242 ("Tsuria"). Claims 1, 3, and 21-25 have been cancelled in this reply. Further, claims 2, 4-10, 12, and 14-18 no longer depend from claim 1. Thus, this rejection is now moot with respect to these claims.

Claims 30 and 31 have been newly added by this reply. Additionally, claims 2, 4-10, 12, and 14-18 have been amended to depend from claim 30. Both claims 30 and 31 are patentable over Jacques and Tsuria, respectively.

As recited in claim 30, the present invention encrypts the transmitted digital information by a recording encryption key. The encrypted, transmitted digital information is stored on a recording support medium by a recording means. An equivalent of the recording encryption key is encrypted by a recording transport key. The encrypted equivalent of the recording encryption key is stored on the support medium with the encrypted, transmitted digital information. Additionally, the recording transport key is stored on a portable security module associated with the recording means.

In Jacques, the decoder forwards scrambled data to the support medium for recording. A control word necessary to descramble the data is re-encrypted by another key and stored to the support medium with the scrambled data. The "another" key is stored with (or "only known to") the decoder.

In contrast, the present invention requires that the recording transport key is stored on a portable security module associated with the recording means. Advantageously, the present invention allows the encrypted data stored on the support medium to be replayed in conjunction with any decoder. However, in Jacques, the support medium can only be replayed with the decoder with which it was recorded, because the key that re-encrypted the control word is only known by the decoder. Thus, if the decoder breaks down, or is otherwise replaced, the support medium can no longer be replayed.

In Tsuria, the relevant key is also only known by the decoder. As shown in

Figure 1, after encrypting the control word using a transform ECM key ("TECM key"), the scrambled digital data stream is in recording format. This data stream is forwarded to the recording means for storing. The TECM key is associated with the smart card located in the decoder, rather than the recording means. This configuration leads to the disadvantages similar to those inherited by Jacques.

Moreover, Jacques and Tsuria do not disclose or suggest a recording means having an associated security module to store a recording transport key, so that the support medium can be replayed independent of the decoder. Because Jacques and Tsuria fail to disclose or suggest the claimed invention, claims 30 and 31 are patentable over Jacques and Tsuria, respectively. Claims 2, 4-20, 32, and 33, being dependent, are likewise patentable over Jacques and Tsuria.

### **III. Rejection under 35 U.S.C § 103**

Claims 11, 13, 19, and 20 were rejected under 35 U.S.C. § 103(a) as being obvious over Tsuria and European Patent No. 714,204 ("Park"), as applied to claim 1. Claim 1 has been cancelled in this reply. To the extent this rejection applied to the amended claims, it is respectfully traversed.

As discussed above, Tsuria fails to show or suggest all of the elements of newly added claims 30 and 31. Park fails to provide that which Tsuria lacks, *i.e.*, Park fails to show or suggest "storing the equivalent of the recording encryption key to the support medium together with the encrypted information, wherein at least one of the encryption key and recording transport key is stored on a portable security module associated with the recording means," as recited in claim 30.

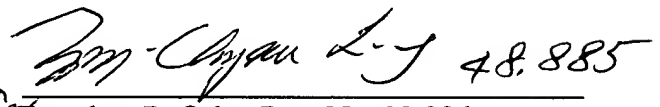
Particularly, Park only teaches a conventional recording means. In other words, Parks does not teach a portable security module associated with the recording means as required by claims 30 and 31. Thus, claims 30 and 31 are patentable over Tsuria and Park, whether considered separately or in combination.

#### IV. Conclusion

The above amendments and remarks are believed to require no further prior art search. Also, Applicant believes that this reply is responsive to all outstanding issues and places this application in condition for allowance. If this belief is incorrect, or other issues arise, the Examiner is encouraged to contact the undersigned or his associates at the telephone number listed below. Because the amendments and remarks simplify the issues for allowance or appeal, and do not constitute new matter, entry and consideration thereof is respectfully requested. Please apply any charges not covered, or any credits, to Deposit Account 50-0591 (Reference Number 11345.023001).

Date: 5/25/04

Respectfully submitted,

  
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